

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W9b

January 27, 2005

TO: Commissioners and Interested Persons

FROM: Charles Lester, Deputy Director
Diane Landry, District Manager
Susan Craig, Coastal Planner

SUBJECT: **CITY OF SANTA CRUZ: LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 2-04.** For public hearing and Commission action at its meeting of February 16, 2005, to be held in Monterey at the Portola Plaza Hotel, 2 Portola Plaza, Monterey, CA 93940.

SYNOPSIS

The City of Santa Cruz is proposing to amend the Implementation Plan (Zoning Ordinance) of the Local Coastal Program to: 1) rezone two parcels totaling 3.49 acres, located at 1463 High St. from R-1-10 (Single Family Residence – Minimum Lot Area 10,000 square feet) to R-1-5 (Single Family Residence – Minimum Lot Area 5,000 square feet)¹; 2) require a special use permit for building material/garden supply uses larger than 40,000 square feet in the I-G (General Industrial) zoning district, and; 3) establish citywide regulations for wireless telecommunications facilities.

The Planning Commission and the City Council held noticed public hearings. This amendment was filed on December 10, 2004. The Coastal Commission granted a one-year time extension for action on the amendment on January 13, 2005.

SUMMARY OF STAFF RECOMMENDATION

Staff has reviewed the proposed amendments to the Zoning Ordinance for consistency with the certified Land Use Plan. Issues raised by the proposed amendments include density of development, development setbacks from riparian and wetland areas, visual impacts, and protection of natural areas from development. As discussed in detail below, Staff recommends **approval** of Zoning Ordinance Major Amendment No. 2-04 as submitted.

ANALYSIS CRITERIA

The Commission certified the City of Santa Cruz's Land Use Plan in July 1981. The Implementation Plan was certified in April 1985 and the City assumed coastal development permit authority that year. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Section 30514, California Code of Regulations 13551

¹ The Land Use Plan designation for the site does not require an LCP amendment because the density range under both R-1-10 and R-1-5 zoning is consistent with the density range of the LUP designation (1.1 to 10 dwelling units/acre).



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through 13553).

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of the LCP incorporates and refines Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning portion of an LCP typically sets forth zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with, and adequate to carry out, the policies of the LUP. The LUP must be consistent with the Coastal Act. In this case, the proposed LCP amendments affect only the IP component of the City of Santa Cruz LCP. Thus the standard of review for the amendment is consistency with the policies of the LUP.

ADDITIONAL INFORMATION

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.

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Exhibits:

Exhibit 1:	1463 High Street Rezoning Map
Exhibit 2:	I-G Zone Use Permit Amendment Language
Exhibit 3:	Wireless Telecommunications Facilities Amendment Language
Exhibit 4:	Main Beach Area Zoning Map
Exhibit 5:	Land Use Map L-6
Exhibit 6:	Resolutions

I. STAFF RECOMMENDATION: MOTIONS AND RESOLUTIONS

Staff recommends adoption of the following resolution:

Resolution I. (Resolution to approve City of Santa Cruz Implementation Plan Major Amendment No. 2-04 as submitted)



Staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the Implementation Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. *I move that the Commission **reject** Major Amendment #2-04 to the City of Santa Cruz Local Coastal Program Implementation Plan as submitted.*

Resolution to Certify the Implementation Plan Amendment as Submitted: *The Commission hereby **certifies** Major Amendment #2-04 to the Implementation Plan of the City of Santa Cruz Local Coastal Program, as submitted, and adopts the findings set forth below on grounds that the Implementation Plan conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the Implementation Plan amendment will meet the requirements of the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment as submitted.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. 1463 High Street Rezoning

The following City of Santa Cruz Land Use Plan policies provide for maximization of density in areas with adequate service capacities and where natural resources will not be adversely impacted.

Land Use Policy 2.1: *Relate residential, commercial, and industrial land use intensities to the capability and location of the land while ensuring optimum utilization of vacant infill parcels.*

Land Use Policy 2.1.2: *Maximize land intensity or densities in areas unconstrained by resources or hazards and having adequate service capabilities.*

Land Use Policy 3.3.1: *Utilize planned development and other techniques that allow clustering to protect resources and views and allow for siting that is sensitive to adjacent uses.*

Land Use Policy 3.3.2: *Where important natural areas would be impacted, require management plans as a condition of development and develop and implement an ordinance requiring the dedication of or granting of an easement to natural areas appropriate for passive recreation or open space uses.*

The following LCP policies provide for protection of riparian and wetland areas, including Moore Creek.

Land Use Policy 3.4.12: *Implement the Moore Creek Corridor Management and Access Plan...*

Land Use Policy 4.2: *Consider natural and developed resources in the siting and construction of*



community facilities ensuring that development relates both visually and functionally to the surrounding environment and that natural resources are protected.

Environmental Quality Policy 4.2: *Preserve and enhance the character and quality of riparian and wetland habitats as identified on Maps EQ-8 and EQ-11, or as identified through the planning process or as designated through the environmental review process.*

Environmental Quality Policy 4.2.1: *Develop, adopt and implement management plans for City-owned wetland and riparian areas...Require management plans for sites not owned by the City in connection with development, and/or encourage other agencies to implement management plans for:...Moore Creek...When a management plan is prepared, mechanisms will be adopted to implement the plan through permit conditions and other measures to enhance the natural resource.*

Environmental Quality Policy 4.2.2: *Minimize the impact of development upon riparian and wetland areas through setback requirements of at least 100 feet from the center of a watercourse for riparian areas and 100 feet from a wetland. Include all riparian vegetation within the setback requirements, even if it extends more than 100 feet from the watercourse or if there is no defined watercourse present.*

Environmental Quality Policy 4.2.2.3: *Prohibit uses such as construction of main or accessory structures, grading or removal of vegetation within riparian and wetland resource and buffer areas and allow permitted uses ...that are consistent with the environmental quality policies of the Plan, Section 30233 of the Coastal Act, and adopted management plans. Development in wetlands can be undertaken only where there is no feasible, less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects. If any exceptions to this policy are to be considered, it shall be within the context of a resource management plan which shall be approved by the Coastal Commission as an amendment to the Land Use Plan.*

Environmental Quality Policy 4.2.4: *Preserve riparian and wetland vegetation by minimizing removal and allowing only for uses dependent on the resources, passive recreational use, and maintenance of existing uses according to adopted management plans with compensating mitigation.*

Environmental Quality Policy 4.2.5: *Protect and minimize the impact of development on bird, fish and wildlife habitat in and adjacent to waterways.*

Environmental Quality Policy 4.3: *Preserve and enhance the character and quality of riparian and wetland habitats, as identified on Maps EQ-8 and EQ-11, or as identified through the planning process or as designated through the environmental review process.*

Community Design Policy 1.3.1.2: *Work with the County to maintain lands between Moore Creek Canyon (west branch), the City's western boundary below Highway 1, Younger Lagoon and Wilder Ranch State Park in open space land uses through agricultural zoning, Williamson Act contracts, and open space easement agreements.*



Moore Creek Corridor Access and Management Plan Policy 1.1: *The existing vegetation along the Moore Creek Corridor shall be retained and protected to the maximum extent feasible.*

Moore Creek Corridor Access and Management Plan 1.1.1: *Require that replanting and/or plant removal be designed to increase quantity, diversity and productivity of native vegetation and to ensure slope protection, habitat enhancement and buffering.*

Moore Creek Corridor Access and Management Plan Policy 1.1.4: *Require that landscaping plans emphasize native species and include those varieties with both habitat and food-bearing value.*

Moore Creek Corridor Access and Management Plan Policy 1.2.1: *Consider a requirement for dedication of additional lands on the east and west sides of Antonelli Pond to increase buffer area. Precise boundary of buffer area shall be determined through project review and/or environmental review process.*

Moore Creek Corridor Access and Management Plan Policy 1.3: *Maintain the water quality of Moore Creek at the highest level feasible by regulating the discharge of storm waters into Moore Creek and its tributaries.*

Moore Creek Corridor Access and Management Plan Policy 1.3.1: *Maintain all post-project runoff at pre-project levels through the use of retention or detention ponds, with a controlled release, to trap sediment and sediment bound heavy metals, nitrates and phosphates.*

Moore Creek Corridor Access and Management Plan Policy 1.3.2: *Equip new storm drain systems, both onsite and offsite, with sediment/oil and grease traps. A regular maintenance program should be developed...*

Moore Creek Corridor Access and Management Plan Policy 1.3.5: *Equip all outflow culverts and storm drain facilities with energy dissipators to minimize downstream sedimentation of Moore Creek.*

Background: The City of Santa Cruz is proposing to amend its zoning map to rezone two parcels, which total 3.49 acres, from R-1-10 (Single Family Residence – Minimum Lot Area 10,000 square feet) to R-1-5 (Single Family Residence – Minimum Lot Area 5,000 square feet) (see Exhibit 1 for proposed zoning map change). The existing R-1-10 zoning would allow a maximum of 15 housing units on the two parcels; the proposed R-1-5 zoning would allow for up to 30 units. The parcels are located on High Street, several miles from coastal access points. These parcels are located adjacent to Moore Creek, which is a largely undeveloped watershed that is physically isolated from the surrounding urbanized area. Eventual development of these parcels would constitute infill development along the City’s urban/rural transition line.

The subject amendment has been submitted to allow for construction of 26 single-family residences on the parcels as part of a Planned Development project. An existing single-family residence and an old barn on the property would be demolished as part of the Planned Development project. At this time the



Commission is only approving the LCP amendments and not the coastal permit for the Planned Development project, which is in the City's jurisdiction and which would be appealable to the Commission. Even though the Commission is aware that the City has approved a permit for a particular development at this location in conjunction with the proposed LCP amendment, there is no guarantee that the specific development will actually be accomplished.

Analysis of Rezoning: The City proposes to rezone the above-mentioned properties from R-1-10 (Single Family Residential - Minimum Lot Area 10,000 square feet to R-1-5 (Single Family Residential – Minimum Lot area 5,000 square feet). As discussed above, the proposed LCP amendment has been submitted to facilitate a Planned Development of 26 single-family residences at the site. The land use designation for these parcels is Low Density Residential, which allows for 1.1 to 10 dwelling units/acre. The proposed Planned Development will have a density of 7.8 dwelling units/acre; thus, the intensity of development proposed under the R-1-5 zoning district designation is consistent with that allowed under the certified Low Density land use designation. If this proposed Planned Development were not to occur, the City would automatically review any new development proposal for a similar, different, or combination of land use(s) for consistency with the LCP. With any newly proposed development the City would have to find that it is compatible with the local coastal program and such development would have to remain at an intensity consistent with the Low Density land use designation.

Any development proposed under the new R-1-5 zoning would also need to comply with the appropriate setback requirements from Moore Creek, as well as the water quality and protection and enhancement of native riparian vegetation policies of the certified Moore Creek Corridor Access and Management Plan. The proposed Planned Development project is set back a minimum of 130 feet from the creek centerline and includes an open space easement area and a habitat restoration and maintenance plan for the existing degraded riparian habitat adjacent to the creek, consistent with the LCP's required creek setback and habitat protection policies. Additionally, the habitat restoration and maintenance plan requires removal of nonnative species and the replanting of suitable native vegetation within the open space easement area. Also, the project includes the incorporation of bio-swale collection areas and detention facilities, consistent with the Moore Creek Corridor Access and Management Plan water quality protection policies. If the proposed Planned Development project did not take place, any other proposed development for these properties would also need to comply with the LCP's setback, habitat protection, and water quality policies. Therefore, the Commission finds that the proposed Implementation Plan rezoning amendment is consistent with the certified LUP designation and is adequate to carry out its provisions.

B. I-G Use Permit Amendment

The following LCP policies provide protection of neighborhood quality and require that development be consistent with existing neighborhood or commercial district patterns, and state:

Land Use Policy 2.6.5: *Protect neighborhood quality through improvement of blighted areas, traffic management, design guidelines, adequate buffers, and other development techniques.*

Community Design Policy 1.1: *Infill and intensify land uses consistent with existing neighborhood or commercial district patterns in developed areas currently served by municipal*



services.

Community Design Policy 1.1.2: *Develop design criteria to ensure compatibility of infill development with existing neighborhoods and proposed development patterns (including intensities and land uses).*

The proposed amendment adds a use permit requirement for development of building material/garden supply stores in the I-G (General Industrial zone) that exceed 40,000 square feet (currently such uses are principally permitted in this zone) (see Exhibit 2 for proposed amendment language). The threshold of 40,000 square feet was arrived at based on a survey of existing uses within the City and an examination of how other cities define large-scale retail businesses.). If the building material/garden supply store will occupy an *existing* building, the threshold increases to 75,000 square feet. The use permit requirement will require special review of any proposed large building material/garden supply retail use for the purpose of determining that the proposed use is, and will continue to be, compatible with surrounding existing or planned uses, consistent with the above land use plan policies. Staff recommends approval as submitted.

C. Wireless Facilities

The City of Santa Cruz is proposing to add a wireless telecommunications facility (WTF) ordinance to its certified Implementation Plan (zoning ordinance). Currently, WTFs (such as cellular telephone facilities, towers, and antennas for transmitting electromagnetic/radio signals) aren't explicitly addressed by the LCP. Such facilities are, however, development regulated by the current LCP in the coastal zone, including the use and design standards of the underlying zone districts in which they may be proposed. The new proposed ordinance provides specific standards for WTFs, including specific siting and design criteria meant to minimize the potential for such facilities to negatively impact the scenic, agricultural, open space, and community/aesthetic character of the City's built and natural environment. The WTF ordinance sections are not meant to pre-empt federal law, and in particular are written to be consistent with the Federal Telecommunications Act of 1996 (FTA). The FTA includes restrictions regarding what state and local governments can and cannot do with regard to WTFs (including prohibiting them from regulating WTFs on the basis of the environmental/health effects of radio frequency (RF) emissions). The FTA does not, however, generally prohibit state and local governments from otherwise regulating the siting, design, and modification of WTFs. Per the FTA, such regulation cannot discriminate among service providers and cannot prohibit provision of wireless service within the City.

The purpose of the City's proposed wireless telecommunications ordinance is to provide a uniform and comprehensive set of standards for the development, siting, and installation of wireless telecommunications facilities. The regulations proposed are designed to protect and promote public safety, community welfare, and the aesthetic quality of the City, while not unduly restricting the development of WTFs. The proposed ordinance prohibits the location of new WTFs in zoning districts that are primarily residential, such as single-family residential, multiple-family residential, or beach residential zoning districts, and instead requires the location of new WTFs in predominately non-residential zoning districts. Any proposed WTF device in the Coastal Zone will require a design permit and a coastal permit from the Zoning Administrator; the coastal permit is appealable to the City Council and the Coastal Commission. *The proposed ordinance is modeled on ordinance language the*



Commission previously approved for Santa Cruz County.

Land Use Plan Consistency

In order to approve an Implementation Plan amendment, it must be consistent with and adequate to carry out the Land Use Plan. The following Land Use Plan policies provide protection of views and visual aesthetics within the City of Santa Cruz, as well as protection of agricultural and natural areas:

Community Design Policy 1.1.2: *Develop design criteria to ensure compatibility of infill development with existing neighborhoods and proposed development patterns (including intensities and land uses).*

Community Design Policy 2.2: *Preserve important public views and viewsheds by ensuring that the scale, bulk, and setback of new development does not impede or disrupt them.*

Land Use Policy 1.4: *Utilize the environmental review process and maintain Zoning Ordinance Conservation Regulations to ensure protection of natural resources, significant vegetation communities, wildlife habitats, archaeologically sensitive areas, scenic views, and also mitigate and protect development from environmental hazards such as earthquakes, floods, and fires in the process of land development.*

Land Use Policy 1.6: *Minimize, when practical, obstruction of important views and viewsheds by new development. In the Coastal Zone, development shall be sited and designed to and along the ocean and in scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and to restore visual quality in visually degraded areas.*

Land Use Policy 3.3: *Require development adjacent to natural areas and agricultural/grazing lands to be compatible with adjacent lands in terms of land use, visual transition, and siting.*

Land Use Policy 3.3.4: *Protect visual access to nearby natural areas as part of environmental review.*

The proposed ordinance prohibits wireless telecommunications facilities (WTFs) in a number of zoning districts, including the primary residential zoning districts, agricultural areas, and natural areas (see Exhibit 3, pp. 7-8). The proposed ordinance also prohibits installation of WTFs if the design and/or construction of the WTF would damage a known archaeological site (Exhibit 3, pg. 11). Location preferences for WTFs include industrial or commercial sites and sites that are not highly visible from adjacent roadways, public areas, greenbelts, or other visual sensitive areas. Regarding areas between the first public road and the sea, the prohibition on new WTFs includes beach residential zoning districts and the OFR (Oceanfront Recreational) zoning district. These prohibitions, in conjunction with the residential district prohibitions, would preclude development of WTFs along the majority of the City's shoreline areas. WTFs, however, would be allowed in the CB (Beach Commercial) zoning district and the RTB (Motel Residential) and RTC (Tourist Residential/Beach Commercial) zoning districts. The CB district includes the Santa Cruz Beach Boardwalk, which is located between the first public road and the sea (see Exhibit 4 for zoning map of Main Beach area). A number of RTB/RTC zones are located inland of the first public road and the sea in developed areas near the Santa Cruz Beach Boardwalk. These



zones are developed primarily with motels and associated beach recreational businesses. Any WTF development in these highly developed zones, however, would be subject to specific design guidelines to minimize the visual impacts of any proposed antenna type. These design guidelines address issues such as location, height, color and materials, as well as “stealth” techniques to camouflage the WTF. All proposed WTFs will be required to be located so as to minimize their visual impact to the maximum extent feasible. Also, landscaping may be required to visually screen WTFs from public view and to provide a backdrop to camouflage the facilities. In addition, all WTFs will be required to comply with all applicable setback regulations of the zoning district in which they are situated (see Exhibit 3, pp. 8-13 for requirements). Furthermore, the proposed ordinance requires co-location of new WTFs onto existing telecommunication facilities where feasible (see Exhibit 3, pg. 15). Finally, as new technology is developed that may lessen the visual impact of WTFs, the proposed ordinance requires that a WTF shall be upgraded to the new standards (see Exhibit 3, pg. 16). These requirements will ensure minimization of visual impacts of WTFs in the coastal zone, consistent with the visual protection policies of the certified Land Use Plan.

As stated above, the proposed zoning ordinance prohibits development of WTFs in Natural Areas as shown on Map L-6 (see Exhibit 5). These areas include Lighthouse Field, Neary Lagoon, Antonelli Pond, Natural Bridges State Park, Moore Creek, San Lorenzo River, and Arana Gulch. The prohibition of development of WTFs in these areas provides consistency with the natural resource protection policies of the Land Use Plan.

The proposed WTF addresses the issues associated with siting and designing WTFs in the most sensitive coastal zone areas, particularly the City’s natural areas and the areas seaward of the first public road that could easily be adversely affected by a proliferation of WTF buildings, towers, and antennas. Thus, the proposed zoning ordinance to regulate development of wireless telecommunication facilities is consistent with and adequate to carry out the policies of the certified LUP.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission’s review and development process for Local Coastal Programs and amendments to them has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information that the local government has developed. Approval of the amendments, as submitted, will not have significant environmental effects, consistent with the California Environmental Quality Act.

